The Southern PATRIOT

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Civil Rights Foes Clutch at Issue of Trial-by-Jury

It would be an endless—task to chronicle the instances of delay the current civil rights bill is suffering in Congress. Senator Eastland and Rep. Howard Smith of Virginia have devoted themselves, without stint, to the cause of obstruction.

What is new is the civil rights issue the opponents of civil rights action have raised. They contend that one provision of the proposed law would, in the words of North Carolina's Sen. Scott Kerr, "by-pass the right of all of us—Negroes and whites alike—to a trial by jury."

He was referring to the proposal that the Justice Department be empowered to seek court injunctions in situations where "any persons have engaged or are about to engage in any acts or practices" which would deprive Negroes of their constitutional rights.

At present the Justice Department can institute criminal charges in such cases. The injunctive action would be in the form of civil suits—although jail sentences could be imposed upon those who defied the judge's ruling.

Attorney General Brownell specifically expressed his desire to avoid trial by jury in rights cases, declaring that "jurors are reluctant to indict and convict local officials in a criminal prosecution even though they recognize the illegality of what has been done."

The federal code provides that in contempt cases the defendant can demand trial by jury, except in action brought "in the name of, or in behalf of, the U. S."

In sum, the issue is: Does the proposed change in procedure—designed to protect the rights of one group—constitute a device that would "bypass and circumvent all of the substantial safeguards established by the founding fathers to protect our citizens against bureaucratic and judicial tyranny"? (To quote Senator Ervin of N. C.)

However, the Washington director of the NAACP pointed out the loud silence on the part of such senators when—without jury trial—an Atlanta judge fined and jailed an NAACP leader on contempt charges; and when—without jury—a Montgomery judge fined the Alabama NAACP $100,000 for alleged contempt.

A group of North Carolina College students made this observation: "It should be clear to any fair-minded person that opponents of civil rights bills are trying to protect violators of federal court orders and . . . not the jury system."

The New Orleans **Times-Picayune** seems vulnerable to such criticism when, after quoting the Constitution and Bill of Rights in opposition to the measure, it concludes that legislation "is not needed because civil rights, including voting rights, are better protected and observed than they ever have been in the history of the country." Astonishing blindness on the part of a major newspaper which maintains a full coverage of regional events!

However, the **Times-Picayune** concedes the validity of "jury skipping" as "a device to enable judges to take summary action to preserve courtroom order, protect threatened damage to U. S. property, etc."

And the question offers itself: Are not American elections just as deserving of protection? If a qualified citizen is barred from the polls, then by that much is an election "damaged" and morally invalid.

As far as that particular election is concerned, it does not matter if a hundred people go to jail the day afterward. The ballot boxes are closed and the improper decision has been certified. Nothing can bring back the right that was denied the would-be voter.

Similarly, because education and human growth are so closely connected, nothing can bring back the days of decent schooling denied Negro children.

"This is what Attorney General Brownell meant when he said that "criminal remedies at best come after the harm has been done."

It would be ridiculous to demand that a wife and children die of starvation before court action for non-support could be brought against the husband.

May 17 Pilgrimage

May 17 has been set as the date for a pilgrimage to Washington to "protest the terrible intimidation and terror under which colored people are living."

Some 50,000 persons from over the nation are expected to make the journey. Arrangements are being made by a committee of 75 Negro leaders from 15 states, with Rev. M. L. King of Montgomery, President A. Philip Randolph of the Brotherhood of Sleeping Car Porters, and Roy Wilkins, executive secretary of the NAACP, in charge.

Jim Crow Hospitals Still To Get Aid

The House of Representatives this month voted down a bill which would have denied federal funds for construction of hospitals with segregated facilities. The vote was 123-70 on the $121 million appropriation.

The defeated measure bore the endorsement of the National Conference on Hospital Integration—a group made up of representatives from the Washington, D. C., Medico-Chirurgical Society, the National Medical Association, and the NAACP. This organization, which held its first meeting in March, declared that separate-but-equal provisions were out of line with the U. S. Supreme Court's desegregation decrees.

However, a move by Southern Congressmen to re-invoke segregation in Veterans Administration hospitals got short shrift.

Rep. Overton Brooks of La., responding to American Legion and VFW pressure in his state, headed 56 Congressional signatories to a manifesto stating:

"We believe that the criticism which has been rising against VA hospitals can be allayed and the service these hospitals render to both Negro and white veterans will be greatly improved by allowing state and local laws relating to segregation to apply."

A VA spokesman replied that segregation in federal installations had been abolished by an executive order of the President, and any change would have to come from the White House. He added: "We are very happy with the present policy—integration and all."

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Dr. Deborah Coggins, fired as health officer in Madison County, Fla., because she lunched with a Negro nurse, was an honored guest of the Physicians Forum at the annual convention of the American Public Health Association.

SPRINGTIME BRINGS VOICES OF HOPE

Perhaps, like the proverbial punch-drug fighter, we are hearing birds where no birds are singing—but the month's news yielded a remarkable number of instances where white Southerners have spoken out against the current excesses of bigotry and racial repression.

From Georgia, from North Carolina, from Louisiana. From students, churchwomen, journalists, ministers. Voices of protest. Voices affirming human dignity and respect for the law.

It would be unduly optimistic to say that the tide has turned—but perhaps a bottom has been reached in the blind plunge toward anarchy. Sterile threats and ranting have done their utmost. If the South is not morally and economically depleted—and we believe it is far from that—there must come a return to sanity.

The harbingers may be at hand.

School Paper Chides Childish Churches

The Wheel, student newspaper at Emory University describes the furor caused by a faculty member's reference to Rev. M. L. King as a "saint"—deplores the "economic pressure" various elements are trying to muster against the Methodist institution.

The article reads as follows:

A sudden eruption of childish acts by several Methodist churches—mostly in Alabama—is giving Emory a black eye for no legitimate reason.

The actions are being stimulated by a sentence in an article written by Emory Theology Professor Claude H. Thompson. One church board sees the piece as "characterization of sainthood to the Rev. Martin Luther King, Negro leader of the Montgomery bus boycott."

Actually, the piece is a harmless discussion of the Kingdom of Heaven in which Martin Luther King is only casually mentioned. Appearing in **Adult Student**, an official Methodist pamphlet presenting Sunday school lessons for each month, Dr. Thompson's article includes these paragraphs:

"But it (The Kingdom) is not victory without sacrifice. The Kingdom was set into history with a cross. It will not be extended without pain. The struggle being what it is, no suffering is too great for those who devoutly accept the way of Christ.

"This is not reserved for exceptional saints like Toyohiko Kagawa, Olin Stockwell, Martin Luther King, Bishop Wang, or Martin Niemoller. It must come home to every Sunday school student and teacher. The way of peace and pardon is the way of pain. The Kingdom comes with great tribulation."

After more than a month, this wording has caused a church in Selma, Ala., to announce that it is withholding some money originally set aside as a donation to the new Theology building here—amid much publicity, including an Associated Press story in several newspapers. The Montgomery Advertiser condemned the author in an editorial covering the best part of two full columns of that paper's editorial page.

Dr. Thompson says he has received many letters, both in praise and in condemnation. Of those blasting him, all but one were from laymen of the church. One even went so far as to accuse him of writing a "licentious" article.

The theologian explains his action by pointing out that he sees as saintly any person who peacefully sacrifices himself for the good of others.

He points out that had the article been obnoxious to the Methodist Church, officials would have deleted King's name. (The Methodist General conference's viewpoint in integration is, "There must be no place in The Methodist Church for discrimination or enforced segregation.")

It looks as though the laymen in some of these churches are looking for a way to undermine the strength of Emory. Perhaps they think it is too "liberal." At any rate, these people are constructing a whole range of mountains from less than a molehill.

Georgia Legislature Rebuked by Student

Bill Stacey, a columnist in the Georgia Tech student newspaper **Technique**, pronounced this valedictory on the last session of the Georgia legislature:

"Perhaps the most barbarous and uncivilized bit of legislative action to disgrace this past session was the attempt to pass a bill calling for criminal prosecution of unwed mothers . . . This bill undoubtedly makes us appear, in the eyes of the civilized world, as utterly inhumane and backward relics of 'Tobacco Road.'

"The pinnacle of absurdity was reached, however, in the inane supposition that six judges of the Supreme Court of the United States should be impeached.

White Editorialist Defends Negro Voting

Jennings, Louisiana, is a city of 10,000 population, whose main industries are rice and oil. Negro residents—some 3,000 of them—live in a traditionally segregated pattern. But they do have access to the ballot box and—amazingly perhaps in this day and time—influential elements in the city are ready to defend, openly, this right to vote.

Said the Jennings **Daily News** of April 4, after a municipal election:

"We have heard some undertones of discontent over the importance of the Negro vote to the election. The fact that the bloc happened to elect one man over the other seems to have magnified the thing out of its proper perspective.

"Actually the vote of the individual colored citizen is no more or less important than that of the individual white citizen. Each has a constitutional right to vote his conviction and that is what each did Tuesday.

"We regret to hear some few misguided whites charge, 'The niggers are running the town!' Actually, they are doing nothing more than registering their convictions at the polls. It seems to us that we should rejoice that the colored man is assuming his duty as a citizen in a mature, intelligent manner. Should we not commend him rather than condemn him?

"Tuesday's election did bring changes in our city government. But it did no more than reflect the thinking of the largest majority of voters ever to express themselves. In that it did this, it was a splendid example of democracy at work."

White Virginian Declines Jamestown Dinner Invitation

With four invitations "misdirected" to prominent Virginia Negroes, at least one white Virginian has declined his invitation to the dinner to commemorate the 350th anniversary of Jamestown.

Dr. Lambert Davis, director of the University of North Carolina press, in an open letter to the governor stated " . . . you find yourself on a great and solemn occasion in the history of the Commonwealth, in the ridiculous position of asserting in effect that being distinguished is an accomplishment possible only for people of Caucasian ancestry."

Educational Desegregation and Integration in the South

By JOHN H. FENTON and FORREST E. LaVIOLETTE

The following excerpts are from a paper read April 13 at a meeting of the Southern Sociological Society in Atlanta, Georgia.

In 1896, the United States Supreme Court rendered its decision giving judicial sanction to the "separate but equal" formula. The decision was based on sociological data.

The underlying ecological facts of 1896 are well known . . . More than half (57%) of all (1890) Negroes, 10 years of age and over, were illiterate, more than 90 per cent resided in the South, and in excess of 80 per cent lived in rural areas.

In 1954, the U. S. Supreme Court rendered a second decision on racial segregation, a decision which, like that of 1896, was based upon certain sociological considerations . . .

The 1954 decision represented judicial recognition of the fact that Roy Ottley's New World A'Comin' had arrived . . . The 1896 system of class-caste control had been undermined by the great migration of the Negroes to the cities and to the north, and this great migration was the product of post-1896 social and economic development. By 1950, 32 per cent of all Negroes lived outside the South, 65 per cent lived in urban areas of the South and North, and illiteracy among Negroes was fast disappearing.

The changes in the ecological reality of the worlds of 1896 and 1954, produced changes in the conditions of interaction between whites and Negroes. And it is these changes in the conditions of interaction which have caused changes in attitudes of whites toward Negroes . . . Most Americans now seem to believe, according to Hyman and Sheatsley,—that Negroes are as educable as whites. Where this attitude exists, public school integration is much easier to realize . . .

Since changes in attitudes seem, in large part, to be a function of changes in the conditions of interaction between the races, our first concern is to understand the process by which these changes occurred.

There are four major trends responsible for changed conditions of interaction: 1.) the rural-urban and South-North shift of the Negro population, 2.) the Great Depression, 3.) the requirements of national defense for economic and organizational efficiency in an era of great wars, and 4.) the political process . . .

Public School Integration in the South

Public school integration in the American South is national policy. It has become national policy because of the changed socio-economic status of the Negro, the changed political power position of the Negro, and changed attitudes toward the Negro on the part of the white population. The national problem is how best to impose this decision on a region. The process by which it is being imposed is most interesting and revealing.

In 1954, segregated school facilities were required in 17 states and the District of Columbia, and permitted in four states (Arizona, Kansas, New Mexico, and Wyoming). By the opening of the 1956-57 school term only eight states remained aloof from integration at the grade and high school levels, and only three of these escaped integration at the college level. In all, approximately 300,000 of 2,700,000 Negro pupils (or 11 per cent) in the 17 states and the District of Columbia were in integrated districts by September, 1956. Segregation has virtually been ended in the four states in which it was permitted, is fast breaking down in the seven Border States, and has been eliminated in the District of Columbia. As a generally accepted principle it still survives in only the 10 states of the Deep South, and remains absolutely inviolate in the public schools of only five of these states.

It is significant in terms of predicting the future course of integration to note the nature of the border State communities where desegregation has occurred. There seem to be three categories of such communities. 1) urban areas, 2) areas with few Negroes and no history of a plantation economy, 3) areas with a culture which is permissive toward Negro participation in the political, social, and economic life of the community.

The great urban centers of the Border States integrated their schools with a minimum of difficulty . . . This is important because most Southern Negroes now live in the cities, and the socio-economic structure of cities tends to be similar in the United States . . .

Thus we find that shifts in the geographic location and socio-economic place of the Negro in the social system placed him in an environment within which he could work toward a resolution of his grievances. In the North he could vote and elect representatives who were sympathetic to Negro views. These representatives, in turn, were able to raise the treatment of Negroes in the South from a narrow regional concern to a national issue. However, it was not until the Great Depression and the consequent differential suffering experienced by Negroes that a sufficient feeling of self-awareness developed to enable them to take advantage of the opportunities afforded by their changed geographic and socio-economic place in the greater community. In addition, the need to use the total population in total war and the demands of socio-economic efficiency helped expedite the fuller integration of the Negro into the life of the nation. The first major step toward fuller integration was the 1944 white primary decision, the second was the decision to integrate the armed forces, and the third was the 1954 Public School Segregation decision; each reenforces the other.

The Faulkner point of view, shared by such spokesmen for the New South as Virginius Dabney, is well known—the Negroes should pause; they should not go too fast. What Faulkner and Dabney cannot appraise is the momentum of the movement toward integration among Negroes. It is correct to say that they have a "desegregation psychosis," a set frame of mind in the Kenneth Burke and John Dewey sense. It is clear that the frustrations in occupation, in housing, in public transportation, and in educational restrictions provide the motivation for the "assault on segregation". Economic advancement and educational opportunity are the new symbols of emancipation. It is a major social movement, and one can not turn such movements on or off. It is a part of the process by which we achieve concensus, and history in this case is the chronology of the conflict in attempting to achieve it.

In the old 1896 world social peace was achieved through laws and class control compelling segregation. In the new post-1954 world social peace cannot be achieved until the structure of compulsory segregation by force of law is demolished. Educational desegregation is one way by which individual rights, new conceptions of social efficiency, and our institutional practices are being made more consistent with one another.

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